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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,998	09/16/2003	Derek Murashige	0009	1744
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GO DADDY GROUP, INC. 14455 NORTH HAYDEN ROAD			DAYE, CHELCIE L	
SUITE 219 SCOTTSDALE, AZ 85260		•	ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/662,998	MURASHIGE ET AL.	
Office Action Summary	Examiner	Art Unit	
	Chelcie Daye	2161	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period va - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be the vill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDON	N. imely filed in the mailing date of this communication. ED (35 U.S.C. § 133).	
Status			
1) ☐ Responsive to communication(s) filed on 13 Fe 2a) ☐ This action is FINAL. 2b) ☐ This 3) ☐ Since this application is in condition for alloward closed in accordance with the practice under E	action is non-final. nce except for formal matters, pr		
Disposition of Claims	•		
4) Claim(s) 25-63 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 25-63 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o Application Papers 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the	vn from consideration. r election requirement. r. epted or b) □ objected to by the		
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex			
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applica rity documents have been receiv u (PCT Rule 17.2(a)).	tion No ved in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summa	• •	
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail 5) Notice of Informal 6) Other:		

DETAILED ACTION

- 1. This action is issued in response to applicant's amendment filed on February 13, 2007.
- 2. Claims 25-63 are presented. No claims added and claims 1-24 remain cancelled.
- 3. Claims 25-63 are pending.
- 4. Applicant's arguments filed February 13, 2007, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 25-32,34-43, and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bier (US Patent Application No. 20040261023) provisional filed June 20, 2003, in view of Dooley (US Patent Application No. 20020035611) filed on December 28, 2000.

Regarding Claim 25, Bier discloses a program for increasing traffic flow to a Web site, comprising:

a means for receiving access to a Web site code, wherein a Web site comprises the Web site code ([0066], Bier). However, Bier is silent with respect

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to a means for receiving a list of one or more search engines to submit the Web site to for registration. On the other hand, Dooley discloses a means for receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley)1. Bier and Dooley are analogous art because they are from the same field of the organization of information on the Internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dooley's teachings into the Bier system. A skilled artisan would have been motivated to combine as suggested by Dooley at [0010], in order to provide an information network on the Internet, wherein the information, products, and services of a website will be accessed in order to provide value to the website owner. As a result, obtaining high volume traffic at the least cost per visitor. Therefore, the combination of Bier in view of Dooley, disclose a means for analyzing the Web site code, wherein the means for analyzing the Web site code comprises a means for checking for a known factor in the Web site code used by a plurality of search engines in ranking a plurality of Web sites for registration ([0056], lines 36-46, Dooley); a means for causing the Web site code to be edited based on a result from the means for analyzing the Web site code ([0081], Bier); and a means for submitting the Web site, with the edited Web site code ([0192], Bier), for registration to the one or more search engines on the list ([0050], lines 12-18, Dooley).

¹ Examiner Notes: An example of a list of one or more search engines are shown within Dooley at [0050],

Regarding Claim 26, the combination of Bier in view of Dooley, disclose the program wherein the means for causing the Web site code to be edited comprises manually editing the Web site code ([0155], Bier).

Regarding Claim 27, the combination of Bier in view of Dooley, disclose the program wherein the means for causing the Web site code to be edited comprises the program automatically editing the Web site code ([0014], Bier).

Regarding Claim 28, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for parsing through the Web site code ([0081], Bier).

Regarding Claim 29, the combination of Bier in view of Dooley, disclose the program further comprising a means for receiving a search phrase ([0046], lines 2-11, Dooley).

Regarding Claim 30, the combination of Bier in view of Dooley, disclose the program further comprising a means for automatically generating a search phrase for the Web site ([0051], Dooley).

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Regarding Claim 31, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for reviewing the Web site for compatibility with a search phrase ([0046], Dooley).

Regarding Claim 32, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for reviewing a textual content of the Web site ([0008], Bier).

Regarding Claim 34, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for checking for a framed web page within the Web site ([0078], Bier).

Regarding Claim 35, the combination of Bier in view of Dooley, disclose the program wherein the means for analyzing the Web site code further comprises a means for checking for a graphic used to display a textual content ([0038], Dooley).

Regarding Claim 36, the combination of Bier in view of Dooley, disclose a process for increasing traffic flow to a Web site from one or more search engines, comprising the steps of:

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a program receiving access to review a Web site ([0066], Bier), wherein a Web site code defines how a plurality of Web pages for the Web site will be displayed by a browser ([0078-0079], Bier);

the program receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley);

the program analyzing the Web site code ([0056], lines 36-46, Dooley);

the program facilitating a modification of the Web site code based on the analyzing of the Web site code ([0081], Bier) in order to increase a traffic flow to the Web site from at least one of the search engines on the list ([0027], Dooley); and

the program submitting the Web site for registration, having the modified Web site code ([0192], Bier), to the one or more search engines ([0050], lines 12-18, Dooley).

Regarding Claim 37, the combination of Bier in view of Dooley, disclose the process wherein the facilitating includes the step of the program listing a plurality of suggested edits to manually edit the Web site code ([0155], Bier).

Regarding Claim 38, the combination of Bier in view of Dooley, disclose the process wherein the facilitating includes the step of the program automatically modifying the Web site code ([0014], Bier).

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Regarding Claim 39, the combination of Bier in view of Dooley, disclose the process wherein the program resides on a third party server accessible by an owner of the Web site ([0041], Dooley).

Regarding Claim 40, the combination of Bier in view of Dooley, disclose the process wherein the program resides on a personal computer accessible by an owner of the Web site ([0050], lines 1-8, Dooley).

Regarding Claim 41, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program receiving at least one search phrase from an owner of the Web site ([0046], lines 2-11, Dooley).

Regarding Claim 42, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program determining at least one search phrase ([0051], Dooley).

Regarding Claim 43, the combination of Bier in view of Dooley, disclose the process further comprising the step of the program receiving at least one search phrase from a search phrase suggestion tool ([0055], Dooley).

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Regarding Claim 45, the combination of Bier in view of Dooley, disclose the process wherein the Web site code comprises HyperText Markup Language ([0066], Bier).

7. Claims 33,44, and 46-63, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bier (US Patent Application No. 20040261023) provisional filed June 20, 2003, in view of Dooley (US Patent Application No. 20020035611) filed on December 28, 2000, as applied to claims 25-32,34-43, and 45 above, and further in view of Feeley (US Patent Application No. 20040068460) filed October 2, 2002.

Regarding Claims 33 and 44, the combination of Bier in view of Dooley, disclose all of the claimed subject matter as stated above. However, Bier in view of Dooley, are silent with respect a means for determining a spiderability of the Web site. On the other hand, Feeley discloses a means for determining a spiderability of the Web site ([0024], lines 8-13, Feeley). Bier, Dooley, and Feeley are analogous art because they are from the same field of endeavor of Internet search engines. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Feeley's teachings into the Bier in view of Dooley system. A skilled artisan would have been motivated to combine as suggested by Feeley at [0029], lines 1-8, in order to provide a convenient way for advertisers to maximize qualified consumer traffic to their web sites, and for search engines to increase their revenue stream.

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Regarding Claims 46,55, and 56, the combination of Bier in view of Dooley, and further in view Feeley, disclose a process for increasing traffic flow to a Web site from a search engine, comprising the steps of:

a program receiving access to review a Web site, wherein the Web site comprises a Web site code ([0066], Bier), wherein at least some of the Web site code defines how the Web site is to be displayed by a browser ([0078-0079], Bier);

the program receiving a first search phrase related to the Web site ([0046], Dooley);

the program receiving a list of one or more search engines to submit the Web site to for registration ([0056], lines 27-46, Dooley);

the program determining a ranking methodology used by at least one of the search engines on the list ([0023], lines 10-22, Feeley);

the program analyzing the Web site code using the determined ranking methodology ([0056], lines 36-46, Dooley);

the program facilitating a modification of the Web site code based on the analyzing the Web site code ([0081], Bier) to increase an expected traffic flow to the Web site from the search engine ([0027], Dooley); and

the program submitting the Web site for registration, having a modified Web site code ([0192], Bier), to the one or more search engines on the list ([0050], lines 12-18, Dooley).

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Regarding Claims 47 and 57, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the facilitating includes the step of the program listing suggested edits to manually modify the Web site code ([0155], Bier).

Regarding Claim 48, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process further including the step of the program automatically modifying the Web site code ([0014], Bier).

Regarding Claims 49 and 58, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the program resides on a third party server accessible by an owner of the Web site ([0041], Dooley).

Regarding Claims 50 and 59, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the program resides on a personal computer accessible by an owner of the Web site ([0050], lines 1-8, Dooley).

Regarding Claims 51 and 60, the combination of Bier in view of Dooley, and further in view Feeley, disclose the process wherein the first search phrase is entered by an owner of the Web site ([0025], lines 2-10, Feeley), and further

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comprising the step of the program determining a second search phrase ([0025],

lines 10-14, Feeley).

Regarding Claims 52 and 61, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the first search phrase

is entered by an owner of the Web site ([0025], lines 2-10, Feeley), and further

comprising the step of receiving a second search phrase from a search phrase

suggestion tool ([0055], Dooley).

Regarding Claims 53 and 62, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the analyzing the Web

site code step includes checking a spiderability of the Web site code ([0024],

lines 8-13, Feeley).

Regarding Claims 54 and 63, the combination of Bier in view of Dooley,

and further in view Feeley, disclose the process wherein the analyzing the Web

site code step includes checking for a search engine parsing problem in the Web

site code ([0048], lines 1-9, Dooley).

Response to Arguments

Applicant argues, Bier is nonanalogous art and the proposed modifications to

Bier would render Bier unsatisfactory for its intended purpose.

Examiner respectfully disagrees. To begin, in response to applicant's argument that Bier is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Bier is definitely pertinent to the particular problem with which it was relied upon as a basis for rejection of the claim language, which is to primarily show the use of receiving access to a Web site code, wherein the Web site comprises the Web site code. Further, in response to applicant's argument that the proposed modifications from Dooley to Bier would render Bier unsatisfactory for its intended purpose is improper. The test is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, the examiner strongly believes that the incorporation would provide an information network on the Internet, wherein the information, products, and services of a website will be accessed in order to provide value to the website owner. As a result, obtaining high volume traffic at the least cost per visitor.

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Applicant argues, Bier does not disclose "a program for increasing traffic flow to a Web site".

Examiner respectfully disagrees. In response to applicant's arguments, the recitation "a program for increasing traffic flow to a Web site" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant argues, with respect to independent claims 25,36,46,55, and 56, wherein Dooley does not disclose "a program means for receiving a list of search engines".

Examiner respectfully disagrees. Specifically, applicants emphasize Dooley not teaching the claim language of a program means for receiving. To begin, in response to applicant's argument that Dooley does not disclose, "a program comprising", the examiner would like to point out that the particular claim language has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural

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limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Also, in response to the argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., 'a program means for') are not explicitly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In particular, while the preamble does state a program, the actual claim language merely states "a means for". However, the examiner would like to point out that both Bier and Dooley discuss "a program" throughout their descriptions. In particular, Bier discusses at paragraph [0066], wherein "Fig. 3 illustrates an embodiment of source code...lines of code include: optional HTML document structure tags..." as well as Dooley discussing within paragraph [0023], wherein "programs and data, many in the form of objects, may be made available for execution and access". As a result, examiner interprets the above-cited passages as fully disclosing, "a program comprising". Next, as stated in the action above, Dooley discloses at paragraph [0056], lines 27-46, wherein "In one embodiment, enhanced placement may be affected by registration of website URLs with Internet search engines or brokers on their behalf', along with an Examiner Note located within the Footnote, indicating an example of a list of possible one or more search engines at paragraph [0050], lines 8-11, wherein "The user may also access a conventional search engine or browser (e.g., google.com, yahoo.com, netscape.com, northerlight.com, etc.) and enter a search request". The

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examiner interprets the accessing of a conventional search engine to correspond to the act of receiving, and since there is only one search engine being accessed (i.e., received), then the search engine is produced. A further example for this particular limitation can be found within Dooley at paragraph [0066], lines 5-15, wherein "The major groupings of advantageous features of the information network of the present invention include...registration of websites with search engines"; examiner interprets the registration with search engines to further disclose the above argued limitation.

Applicant argues, neither Bier nor Dooley disclose "a program means for analyzing Web site code for a known factor used by search engines".

Examiner respectfully disagrees. As stated in the action above, Dooley disclose at paragraph [0056], lines 36-46, wherein "In another embodiment, enhanced placement may be attained by the inclusion of a variety of additional software code elements (e.g., Java applets, cookies, and other elements) within the website(s) design, which may be weighted favorably by search engines". Examiner interprets the 'attaining by the inclusion of a variety of additional software code elements' to correspond to the analyzing of the Web site code and also, the examples given for the software code elements such as Java applets, cookies, and other elements within the websites design, which is weighted favorable by search engines, to correspond to the known factors used by search engines.

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Applicant argues, with respect to independent claims 36,46,55, and 56, that neither Dooley nor Bier, teach "a program facilitating a modification of the Web site code to increase traffic flow".

Examiner respectfully disagrees. As stated in the action above, Bier discloses at paragraph [0081], wherein "the method for converting input web pages to Sparrow Web type web pages...where the web page coding is detected and revised...the revised web page code is parsed into tokens...some tokens in the parsed revised web page code are marked as candidates to be included in editable regions". Examiner interprets the converting input web pages into Sparrow web pages where the coding is revised to correspond to facilitating a modification of the Web site code. Next, Dooley discloses at paragraph [0027], wherein "Not only may multiple hyperlinks into a website drive traffic into it, but multiple hyperlinks within a website are likely to be weighted (favorably) by some Internet search engine algorithm's...In addition, the information network may provide high volume traffic, due to synergy of the information network with a plurality of websites, domain names, and URL redirects, such that the traffic volume may be positively recognized and weighted favorable by some Internet search engines". Examiner interprets the multiple hyperlinks and redirects, which drive traffic into websites as corresponding to the increase in traffic flow. Even further, Dooley discloses at paragraph [0056], lines 34-41, wherein "enhanced placement may be affected by search engines recognition of established high volume traffic into a given website, regardless of how that traffic was generated...enhanced placement may be attained by the inclusion of a variety of additional software code elements (e.g., Java applets,

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cookies, and other elements) within the websites design, which may be weighted favorable by search engines". As such, examiner interprets the inclusion of a variety of additional software code elements for enhanced placement in order to establish high volume traffic to correspond to the facilitation of a modification of the Web site code as a way of increasing traffic.

Applicant argues, neither Bier nor Dooley teach "the program submitting the Web site for registration".

Examiner respectfully disagrees. As stated in the action above, Dooley discloses at paragraph [0050], lines 12-18, wherein "The search engine may identify relevant websites that have been registered with or located by the particular search engine, and may return this search results list to the user". Examiner interprets the identifying of relevant websites that have been registered as demonstrating that the website at one point in time had to have been submitted for registration in order for the site to already be registered. To further support the above argued limitation, Dooley disclose at paragraph [0031], wherein "the selected domain names may be registered, purchased, and/or leased from the current owner", and paragraph [0056], lines 27-29, wherein "enhanced placement may be affected by registration of website URLs with Internet search engines or brokers on their behalf". Examiner interprets the above citations to correspond to the argued limitation and in particular since the websites are up for registration it is evident that they have been submitted.

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Applicant argues, Dooley does not teach "a program analyzing the Web site code using the determining ranking methodology".

Examiner respectfully disagrees. To begin, the objective of the Dooley reference is essentially based on a ranking methodology, as discussed within paragraph [0016], wherein "According to another embodiment of the present invention, a method for enhancing a probability of high placement of a webpage by a search engine is provided". Further, paragraph [0056], lines 1-6, disclose "a combination of elements or features of the website design may be utilized to enhance high level placement of the member websites or web pages within search engine results". Examiner interprets the enhanced high-level placement to correspond to the determination of a ranking methodology. Also, paragraph [0056], lines 36-40, discloses "enhanced placement may be attained by the inclusion of a variety of software code elements within the websites design, which may be weighted favorably by search engines". As such, examiner further interprets favorable weighting by the search engine as disclosing a determination of a ranking methodology.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye Patent Examiner Technology Center 2100 May 16, 2007

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